

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

MICHAEL WILLIAM DUNN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. C14-5794-TSZ-JPD

REPORT AND RECOMMENDATION

Plaintiff brought this action to seek judicial review of the denial of his application for disability benefits by the Commissioner of the Social Security Administration. Dkt. 3. The parties have stipulated that this case should be reversed and remanded for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). Dkt. 16.

Based on the stipulation of the parties, the Court recommends that this case be REVERSED and REMANDED for further administrative proceedings before an Administrative Law Judge (“ALJ”). On remand, the ALJ shall address whether plaintiff had a cognitive impairment/limitations prior to the date last insured; and in doing so, evaluate the opinions of Pamela Miller, Ph.D., and State agency psychological consultant Bill Hennings, Ph.D.

1 Since plaintiff's date last insured expired before the date of the hearing decision, the  
2 Appeals Council shall not require the ALJ to give plaintiff an opportunity for another hearing.  
3 The ALJ shall decide whether a hearing is warranted. HALLEX I-3-7-40B2. The ALJ shall then  
4 continue with the sequential evaluation at steps four and/or five as necessary.

5 Upon proper application, the Court will consider whether reasonable attorney's fees and  
6 costs should be awarded pursuant to 28 U.S.C. § 2412(d).

7 Because the parties have stipulated that the case be remanded as set forth above, the  
8 Court recommends that United States District Judge Thomas S. Zilly immediately approve this  
9 Report and Recommendation. The Clerk should note the matter for **March 17, 2015** as ready for  
10 Judge Zilly's consideration. A proposed order accompanies this Report and Recommendation.

11 DATED this 17th day of March, 2015.

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13 JAMES P. DONOHUE  
14 United States Magistrate Judge  
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